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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,458	09/30/2003	Michel Chevanne	Q77711	2008
23373 7590 11/19/2010				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
HUSSAIN, TAUQIR				
ART UNIT		PAPER NUMBER		
2452				
NOTIFICATION DATE		DELIVERY MODE		
11/19/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/673,458

Applicant(s)

CHEVANNE ET AL.

Examiner

TAUQIR HUSSAIN

Art Unit

2452

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/09/2010 has been entered.

Response to Amendment

2. This office action is in response to amendment/reconsideration filed on 04/09/2010, the amendment/reconsideration has been considered. Claims 1 and 9 have been amended and claim 7-8 have been canceled. Claims 1-6 and 9-17 are pending for examination, the rejection cited as stated below:

Response to Arguments

3. Applicant's arguments filed on "04/09/2010" have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that

(a) Prior art of record "Machida and Allan" does not teaches, a plurality of elements, which are components of the network equipments of the communication network".

As to argument (a) Examiner respectfully disagrees, as disclosed in Machida, Col.1, Fig.4, elements (402a – 402e) lines 35-53, provided an information processing apparatus which can communicate through a network

with each of a plurality of information processing apparatuses connected to network. These apparatus has assigned function to graphically displaying connecting states of the plurality of information processing apparatuses and peripherals locally connected the information processing apparatuses. Further, as an extrinsic evidence the definition of "communication network" two terminals, peripherals sending and receiving information to each other and the definition of "network equipment" includes any IP / Ethernet capable device connected or supported by network which can include, microwave, coffee machines, scanners, printers, IP phones, PC's, routers, switches etc.

4. Examiner note: Applicant is invited to setup a telephonic interview to discuss the eligible allowable subject matter e.g. dependent claims or from specification to further expedite the prosecution.

Claim Objections

5. Claims 1 and 9 are objected to because after the preamble a ":" is missing. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 and 9-17 are rejected under 35 U.S.C. 102(e) as being unpatentable over Machida et al. (Patent No.: US 6,885,387 B1), hereinafter "Machida" in view of Allan et al (EP 1094635 A2), hereinafter "Allan".

8. As to claim 1, Machida discloses the core concept of invention substantially including, system comprising a plurality of elements, which are components of the communication network, associated with hierarchical levels (Machida, Abstract, Fig.4, element-402a-g), wherein each element is associated with a set of primary data stored in a memory, said primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element (Machida, Fig.4 and Fig.5, Col.4, lines 44-45, where pc's in same domain at same level are displayed) and at least one set of secondary data stored in said memory, said secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy (Machida, Fig.4, 5, Col.5, lines 40-45, where element 503f which is a primary data has attached peripheral 503g and 503h which is equivalent to interpret as secondary data in the domain at lower level in the hierarchy); and

at least one of the sets of primary and secondary data of the elements of the equipment that belong to a designated level and to levels lower than said equipment (Machida, Fig.3B, element-S208, S210, S209 etc, Col.3, lines 62-67, where programs are stored in memory and further calculating display positions will require stored data, where designated PC, S208 is a primary data and Display peripheral Icon S209 is equivalent to secondary data), and for accessing and extracting from the memory the at

least one of the sets of primary and secondary data of the elements of the equipment that belong only to a designated level (Machida, Fig.2, element-S201, Col.4, lines 4-11, where first scan of network equipment displayed on the basis of the connection information and status information).

Machida however is silent on disclosing explicitly, accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment that belongs to designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received.

Allan however discloses the similar concept as, accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment that belongs to designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received (Allan, [0009], where method is disclosed to highlight one or more of the network entities within the subset of network entities of interest. Further displaying of the relevant network entities by illustrating a plurality of network entities within the geographical region selected for base view, running in combination of hardware e.g. server having a memory and software.);

At least one of the sets of primary and secondary data of the elements of the equipment that belong only to a designated level when a request designating a chosen level of a network equipment without attachment is received (Allan, Fig.2A, [0026], where the use of the layer cake selection window 206 to navigate through the attribute

layers, to select one or more network features, herein below referred to as focused network features, to be included within a layer cake. The layer cake thus identifies a group of network entities of interest, referred to herein below as a focused set of network entities and system and further in [0012] disclosed the invention in relevance to storing the hierarchy in memory to display at user interface for later use).

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention made in order to provide a network monitoring architecture in compliance with various transport standards e.g. SONET, ATM etc. and give extended control to filter information such as local area network, subnet, subset or local or wide area network, device type, geographically selected network and so forth.

9. As to claim 2, Machida and Allan disclose the invention substantially as in parent claim 1 above including, wherein said management means are adapted to send the extracted sets of primary or secondary data to a graphical interface (Machida, Fig.2, element-S202, Col.4, lines 9-11, where data is displayed based on obtained display positions).

10. As to claim 3, Machida and Allan disclose the invention substantially as in parent claim 1 above including, wherein some elements are associated with sets of primary and secondary data that are at least partly identical (Machida, Fig.4, element-402, Col.4, lines 19-26, contains the menu for alike items upon execution equipment performing alike function can be viewed).

11. As to claim 4, Machida and Allan disclose the invention substantially as in parent claim 1 above including, wherein said management means are adapted to refresh the data of elements displayed in the event of receiving a message reporting that an event relating to said element has occurred within the network (Machida, Col.4, lines 35-43, where during processing error generation message is displayed).

12. As to claim 5, Machida and Allan disclose the invention substantially as in parent claim 1 above including, a management server of a communication network management system, wherein said server comprises a system according to claim 1 (Machida, Col.3, lines 33-37, where reading server apparatus is disclosed).

13. As to claim 6, Machida and Allan disclose the invention substantially as in parent claim 1 above including, a server according to claim 5, characterized in that said system is installed in a control system (Machida, Col.3, lines 38-43, where reading server apparatus is in place with scanner controller and communication controller devices which incorporates as a network control system together).

14. As to claim 9, Machida discloses the core concept of invention substantially including, system comprising a plurality of elements, which are components of the communication network, associated with hierarchical levels (Machida, Abstract, Fig.4, element-402a-g), wherein each element is associated with a set of primary data stored in a memory, said primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element (Machida, Fig.4 and Fig.5, Col.4, lines 44-45, where pc's in same domain at same level

are displayed) and at least one set of secondary data stored in said memory, said secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy (Machida, Fig.4, 5, Col.5, lines 40-45, where element 503f which is a primary data has attached peripheral 503g and 503h which is equivalent to interpret as secondary data in the domain at lower level in the hierarchy); and

at least one of the sets of primary and secondary data of the elements of the equipment that belong to a designated level and to levels lower than said equipment (Machida, Fig.3B, element-S208, S210, S209 etc, Col.3, lines 62-67, where programs are stored in memory and further calculating display positions will require stored data, where designated PC, S208 is a primary data and Display peripheral Icon S209 is equivalent to secondary data), and for accessing and extracting from the memory the at least one of the sets of primary and secondary data of the elements of the equipment that belong only to a designated level (Machida, Fig.2, element-S201, Col.4, lines 4-11, where first scan of network equipment displayed on the basis of the connection information and status information).

Machida however is silent on disclosing explicitly, accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment that belongs to designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received.

Allan however discloses the similar concept as, accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment that belongs to designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received (Allan, [0009], where method is disclosed to highlight one or more of the network entities within the subset of network entities of interest. Further displaying of the relevant network entities by illustrating a plurality of network entities within the geographical region selected for base view, running in combination of hardware e.g. server having a memory and software.);

At least one of the sets of primary and secondary data of the elements of the equipment that belong only to a designated level when a request designating a chosen level of a network equipment without attachment is received (Allan, Fig.2A, [0026], where the use of the layer cake selection window 206 to navigate through the attribute layers, to select one or more network features, herein below referred to as focused network features, to be included within a layer cake. The layer cake thus identifies a group of network entities of interest, referred to herein below as a focused set of network entities and system and further in [0012] disclosed the invention in relevance to storing the hierarchy in memory to display at user interface for later use).

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention made in order to provide a network monitoring architecture in compliance with various transport standards e.g. SONET, ATM etc. and give extended

control to filter information such as local area network, subnet, subset or local or wide area network, device type, geographically selected network and so forth.

15. As to claim 10, Machida and Allan disclose the invention substantially as in parent claim 1 and 9 above including, wherein the primary and secondary data for all of the plurality of elements is stored in a centralized, long term storage device (Allan, [0012], where computer system is disclosed to include all the aspects of the network hierarchy related information into a memory which can be a long term memory).

16. As to claim 11, Machida and Allan disclose the invention substantially as in parent claim 1 and 9 above including, wherein the primary and secondary data for all of the plurality of elements is stored in a centralized, long term storage device (Allan, [0012], where computer system is disclosed to include all the aspects of the network hierarchy related information into a memory which can be a long term memory).

17. As to claim 12, Machida and Allan disclose the invention substantially as in parent claim 1 and 9 above including, wherein said primary data of each of the plurality of elements is a primary graphical representation showing the element with which the primary data is associated within the hierarchical level to which the element belongs without showing any attachment of the element to a hierarchical level higher than the hierarchical level to which the element belongs (Allan, [0045], The first and second windows 215,217 are preferably displayed adjacent to each other, or with the second window 217 partially overlapping the first. The display of the second window 217 has an

arrow 232 pointing to the network feature in the direct containment hierarchy 214 whose children are listed in the list of contents 216.); and

wherein said secondary data of each of the plurality of elements is a secondary graphical representation showing the element with which the secondary data is associated within the hierarchical level to which the element belongs and also showing a connection of the element to a hierarchical level higher or equal to the hierarchical level to which the element belongs (Allan, Fig.2-6, [0045], When such is done, the second window 217 moves up with the arrow 232, and the list of contents 216 is updated to show the children of the network feature pointed to by the arrow 232 at a given time. A sample use of the arrow 232 will be shown during the description of FIGURES 2 through 6 herein below. While an arrow 232 is shown as the mechanism for jumping up to a previously selected level in the direct containment hierarchy 214, it is to be understood that other mechanisms for achieving this may alternatively be employed.).

18. As to claim 13 Machida and Allan disclose the invention substantially as in parent claim 12 above, wherein said management means accesses and extracts from the memory at least one of the sets of primary and secondary graphical representations of the elements of the equipment that belong to a designated hierarchical level and to hierarchical levels lower than said designated level when a request designating a chosen hierarchical level of a network equipment with attachment is received (Allan, [0045], The first and second windows 215,217 are preferably displayed adjacent to each other, or with the second window 217 partially overlapping the first which also

represents a management means. The display of the second window 217 has an arrow 232 pointing to the network feature in the direct containment hierarchy 214 whose children are listed in the list of contents 216.), and

wherein said management means accesses and extracts from the memory at least one of the sets of primary and secondary graphical representations of the elements of the equipment that belong only to a designated hierarchical level when a request designating a chosen hierarchical level of a network equipment without attachment is received (Allan, Fig.2-6, [0045], When such is done, the second window 217 moves up with the arrow 232, and the list of contents 216 is updated to show the children of the network feature pointed to by the arrow 232 at a given time. A sample use of the arrow 232 will be shown during the description of FIGURES 2 through 6 herein below. While an arrow 232 is shown as the mechanism for jumping up to a previously selected level in the direct containment hierarchy 214, it is to be understood that other mechanisms for achieving this may alternatively be employed.).

19. As to claim 14, Machida and Allan disclose the invention substantially as in parent claim 13 and 16 above including, wherein said management means sends the extracted at least one of the sets of primary graphical and secondary graphical representations to a graphical interface (Allan, Fig.3c, elements 214 and 232 are primary and secondary graphical representations).

20. As to claim 15, Machida and Allan disclose the invention substantially as in parent claim 1 and 9 above including, wherein said primary data of each of the plurality

of elements is a primary graphical representation showing the element with which the primary data is associated within the hierarchical level to which the element belongs without showing any attachment of the element to a hierarchical level higher than the hierarchical level to which the element belongs (Allan, [0045], The first and second windows 215,217 are preferably displayed adjacent to each other, or with the second window 217 partially overlapping the first. The display of the second window 217 has an arrow 232 pointing to the network feature in the direct containment hierarchy 214 whose children are listed in the list of contents 216.); and

wherein said secondary data of each of the plurality of elements is a secondary graphical representation showing the element with which the secondary data is associated within the hierarchical level to which the element belongs and also showing a connection of the element to a hierarchical level higher or equal to the hierarchical level to which the element belongs (Allan, Fig.2-6, [0045], When such is done, the second window 217 moves up with the arrow 232, and the list of contents 216 is updated to show the children of the network feature pointed to by the arrow 232 at a given time. A sample use of the arrow 232 will be shown during the description of FIGURES 2 through 6 herein below. While an arrow 232 is shown as the mechanism for jumping up to a previously selected level in the direct containment hierarchy 214, it is to be understood that other mechanisms for achieving this may alternatively be employed.).

21. As to claim 16 Machida and Allan disclose the invention substantially as in parent claim 12 above, wherein said management means accesses and extracts from the

memory at least one of the sets of primary and secondary graphical representations of the elements of the equipment that belong to a designated hierarchical level and to hierarchical levels lower than said designated level when a request designating a chosen hierarchical level of a network equipment with attachment is received (Allan, [0045], The first and second windows 215,217 are preferably displayed adjacent to each other, or with the second window 217 partially overlapping the first which also represents a management means. The display of the second window 217 has an arrow 232 pointing to the network feature in the direct containment hierarchy 214 whose children are listed in the list of contents 216.), and

wherein said management means accesses and extracts from the memory at least one of the sets of primary and secondary graphical representations of the elements of the equipment that belong only to a designated hierarchical level when a request designating a chosen hierarchical level of a network equipment without attachment is received (Allan, Fig.2-6, [0045], When such is done, the second window 217 moves up with the arrow 232, and the list of contents 216 is updated to show the children of the network feature pointed to by the arrow 232 at a given time. A sample use of the arrow 232 will be shown during the description of FIGURES 2 through 6 herein below. While an arrow 232 is shown as the mechanism for jumping up to a previously selected level in the direct containment hierarchy 214, it is to be understood that other mechanisms for achieving this may alternatively be employed.).

22. As to claim 17, Machida and Allan disclose the invention substantially as in parent claim 13 and 16 above including, wherein said management means sends the

extracted at least one of the sets of primary graphical and secondary graphical representations to a graphical interface (Allan, Fig.3c, elements 214 and 232 are primary and secondary graphical representations).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu V. Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAUQIR HUSSAIN/
Examiner, Art Unit 2452